

and 422.606(c), we will take the following action:

(a) *Request not timely filed.* If your request is not filed within the time limits set out in § 422.605(c), we will deny your request for review on that basis and send you a notice explaining that we have taken this action;

(b) *Lack of evidence.* If your request is timely filed under § 422.605(c) but you have not provided evidence constituting a prima facie case of error, we will deny your request for review on that basis and send you a notice explaining that we have taken this action;

(c) *Request for review without requesting detailed information.* If your request is filed within 30 days after you received the notice of assignment and you have not requested detailed information, we will not process your request until at least 30 days after the date you received the notice of assignment. You may still request detailed information within that 30-day period, in which case we will not process your request for review until at least 30 days after you received the detailed information, so that you may submit additional evidence if you wish;

(d) *Reviewing the evidence.* If your request meets the filing requirements of § 422.605 and is accompanied by evidence constituting a prima facie case of error, we will review the assignment. We will review all evidence submitted with your request for review, together with the evidence used in making the assignment. An SSA employee who was not involved in the original assignment will perform the review. The review will be a review on the record and will not involve a face-to-face hearing.

(e) *Original decision correct.* If, following this review of the evidence you have submitted and the evidence in our file, we make a determination that the assignment is correct, we will send you a notice explaining the basis for our decision. We will not review the decision again, except as provided in § 422.607.

(f) *Original decision erroneous.* If, following this review of the evidence you have submitted and the evidence in our file, we make a determination that the assignment is erroneous, we will send you a notice to this effect. We will then determine who the correct operator is and assign the affected beneficiary(s)

to that coal operator (or related person). If no assigned operator can be identified, the affected beneficiary(s) will be treated as “unassigned.” We will notify the UMWA Combined Benefit Fund Trustees of the review decision so that any premium liability of the initial assigned operator can be adjusted.

**§ 422.607 Limited reopening of assignments.**

On our own initiative, we may reopen and revise an assignment, whether or not it has been reviewed as described in this subpart, under the following conditions:

(a) The assignment reflects an error on the face of our records or the assignment was based upon fraud; and

(b) We sent to the assigned operator (or related person) notice of the assignment within 12 months of the time we decided to reopen that assignment.

**PART 423—SERVICE OF PROCESS**

Sec.

423.1 Suits against the Social Security Administration and its employees in their official capacities.

423.3 Other process directed to the Social Security Administration or the Commissioner.

423.5 Process against Social Security Administration officials in their individual capacities.

423.7 Acknowledgment of mailed process.

423.9 Effect of regulations in this part.

AUTHORITY: Sec. 701 and 702(a)(5) of the Social Security Act (42 U.S.C. 901 and 902(a)(5)).

SOURCE: 60 FR 18992, Apr. 14, 1995, unless otherwise noted.

**§ 423.1 Suits against the Social Security Administration and its employees in their official capacities.**

Summonses and complaints to be served by mail on the Social Security Administration, the Commissioner of Social Security, or other employees of the Social Security Administration in their official capacities should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

**§ 423.3 Other process directed to the Social Security Administration or the Commissioner.**

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Social Security Administration or the Commissioner of Social Security in his or her official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

(b) If served by an individual, the process should be delivered to the mail room staff in the Office of the General Counsel, Room 611, 6401 Security Blvd., Baltimore, MD 21235 or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Social Security Administration.

**§ 423.5 Process against Social Security Administration officials in their individual capacities.**

Process to be served on Social Security Administration officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Social Security Administration officials in their individual capacities if the suit relates to an employee's official duties.

**§ 423.7 Acknowledgment of mailed process.**

The Social Security Administration will not provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail and, where required, the acknowledgment described in rule 4(e) of the Federal Rules of Civil Procedure (28 U.S.C. App. 4(e)).

**§ 423.9 Effect of regulations in this part.**

The regulations in this part are intended solely to identify Social Security Administration officials who are authorized to accept service of process.

Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in this part.

**PARTS 424—497 [RESERVED]**

**PART 498—CIVIL MONETARY PENALTIES, ASSESSMENTS AND RECOMMENDED EXCLUSIONS**

Sec.

- 498.100 Basis and purpose.
- 498.101 Definitions.
- 498.102 Basis for civil monetary penalties.
- 498.103 Amount of penalty.
- 498.104 498.105 [Reserved]
- 498.106 Determinations regarding the amount or scope of penalties.
- 498.107 [Reserved]
- 498.108 Penalties not exclusive.
- 498.109 Notice of proposed determination.
- 498.110 Failure to request a hearing.
- 498.114 498.125 [Reserved]
- 498.126 Settlement.
- 498.127 Judicial review.
- 498.128 Collection of penalty.
- 498.129 [Reserved]
- 498.132 Limitations.
- 498.200 [Reserved]

AUTHORITY: Secs. 702(a)(5) and 1140 of the Social Security Act (42 U.S.C. 902(a)(5) and 1320b-10).

SOURCE: 60 FR 58226, Nov. 27, 1995, unless otherwise noted.

**§ 498.100 Basis and purpose.**

(a) *Basis.* This part implements section 1140 of the Social Security Act (42 U.S.C. 1320b-10).

(b) *Purpose.* This part provides for the imposition of civil monetary penalties against persons who—

(1) [Reserved]

(2) Misuse certain Social Security program words, letters, symbols, and emblems.

**§ 498.101 Definitions.**

As used in this part:

*Agency* means the Social Security Administration.

*Commissioner* means the Commissioner of Social Security or his or her designees.

*Department* means the U.S. Department of Health and Human Services.